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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,232	03/20/2002	Guido Spix	22139	9655

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/070,232	SPIX ET AL.
	Examiner Ghassem Alie	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 April 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 26, 27, 34, and 36 in Fig. 3.

Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because of the following informalities: "scr ws 23" should be --screw 23--. See page 6, line 1 of the specification. Appropriate correction is required.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following

the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 7-12 have been renumbered as claims 13-19.

4. Claim 14 is objected to because of the following informalities: “on which the respective secondary sits” should be --on which the respective secondary side silts--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 15, the disclosure fails to teach that the cutouts of the main frame part are open and into the cutouts of the secondary frame part. The outer surfaces of the cutouts of the main frame appear to be secured to the outer surfaces of the cutouts of the secondary frame as shown in Fig. 3 of the instant application. It is not clear how the cutouts of the main frame are placed into the cutouts of the secondary frame part. Are the outer surfaces of the cutouts of the main and secondary frame parts over lapping?

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 13-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton (4,428,265) in view of Kranz (3,720,126). Regarding claim 13, Bolton teaches a machine 1 capable of cross cutting a material web. Bolton also teaches that the machine includes a main frame part unitarily formed with a pair if transversely spaced main sides and with at least one main transverse extending transversely between the main sides. The main frame part is defined by one half of the frame 10 which also includes a pair of transversely spaced main sides disposed on both sides of the arbors 11, 13 and two main transverse extending between the main sides. Bolton also teaches a secondary frame with a pair of transversely spaced secondary sides and with at least one secondary traverse extending transverse between the secondary sides. The secondary frame part is defined with other half of the frame 10 which also includes a pair of transversely spaced secondary sides and at least one secondary traverse. Bolton also teaches that a seat formed at sides of the main frame on which the respective sides of the secondary frame fit complementarily with the main and secondary traverses extending parallel to each other. The main frame part which is defined by one half of the frame has a seat to accommodate the other half of the frame 10 which is defined as the secondary frame part. Bolton also teaches two blades drums 11, 13 rotatable about respective transversely extending drum axes. See Figs. 14 in Bolton. Bolton does not expressly teach that the drums ends are journaled in the sides at the seat and fasteners securing the frame parts together at the seat to opposite sides of the drum sum ends. However, Kranz teaches a machine frame including a main frame 3 part and a secondary frame part 24 which is fastened to the main frame 3 by fasteners 23. The secondary frame is

segmented frame which is defined by the top parts 24. Kranz also teaches two drums 7, 26 having ends journaled in the sides of a seat. The section of the main frame 3 that accommodates the secondary frame part 24 defines a seat. It would have been obvious to a person of ordinary skill in the art to separate the main frame part from the secondary frame part of Bolton and used the fasteners to secure the main and secondary frames together and journal the ends of the blade drums in the sides of the frames as taught by Kranz in order facilitate the access to the drums and rotate the drums simultaneously in an alternative way by journals. Bolton cutting drums are capable of cross cutting a web material. In addition, Official action is taken that the use of cutting drums for cross cutting a web material is well known in the art, as it is evident in patent to Rommel (4.881.436).

Regarding claim 14, Bolton as modified by Kranz teaches everything noted above including that the seat includes on each main side a horizontally extending step on which the respective secondary side sits. The main seat on each main side has a horizontally extending step relative to the cutouts on the main seat on each main side. Each of the secondary sides as modified by Kranz sits on the respective horizontal step. See Fig. 1 in Bolton and Kranz.

Regarding claim 15, as best understood, Bolton as modified by Kranz teaches everything noted above including that the each of the frame parts is formed at the seat with a pair of generally semicircular cutouts and the cutouts of the main frame part 3 being open and toward the cutouts of the secondary frame part 24. The cutouts of the main frame part 3 are open and toward the cutout of the secondary frame part 24 similar to the cutouts of the main frame part and the secondary frame part of the instant invention. See Fig. 1 in Kranz. Bolton as modified by Kranz also teaches bearings 20, 22 for the drum ends seated in the

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cutouts as taught by Kranz, whereby separation of the parts 3, 24 taught by Kranz at the seat allows removal of the bearings and drums. See Fig. 2 in Bolton and Fig. 2 in Kranz.

Regarding claim 18, Bolton as modified by Kranz teaches everything noted above including that the main 3 and secondary frame parts 24 have outer faces turned away from each other and gearing 20, 37 mounted on the faces interconnecting the drums 11, 13 as taught by Bollton for synchronous rotation. See Fig. 1 in Bolton also teaches a drive motor 18 mounted one of the outer faces and connect to the drums 11, 13. See Fig. 1 in Bolton.

Regarding claim 13, Bolton as modified by Kranz teaches everything noted above including that the fasteners 23 are bolts extending between the parts 3, 24 across the seat offset from the drums 11, 13 as taught by Bolton. See Fig. 1 in Bolton and Kranz.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton in view of Kranz, as applied to claim 13, and in further view of Kimmel (2,157,455). Bolton as modified by Kranz teaches everything noted above except that the each cutouts is provided with a half bearing race. However, the use of half bearing races for holding bearing is well known in the art such as taught by Kimmel. Kimmel teaches half bearing races 42 holding the bearing within them by being positioned on each side of the roll neck surfaces 46 of the each working rolls. The spaced between the two half bearing races 42 defines the cutouts and each roll neck surface 46 defines the race of the bearing. See Fig. 1 and page 2, lines 57-57 in Kimmel. It would have been obvious to a person of ordinary skill in the art to provide Bolton's cutting device as modified by Kranz with half bearing races as taught by Clarke in order to hold the bearing rigidly and prevent bearings vibrations.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton in view Kranz, as applied in claim 7, and in further view of Kakko-Chiloff (5,058,472). Regarding claim 17, Bolton as modified by Kranz teaches everything noted above except a pair of offset feeder rollers horizontally spaced from the drum and journaled in the sides of the main frame. Kakko-Chiloff teaches a pair of offset feeder rollers 21, 22, which are horizontally spaced from the drum 4, 5 and journaled in the sides of the main, frame 1. See Fig. 1 in Kakko-chiloff. It would have been obvious to a person of ordinary skill in the art to provide Bolton's cutting device as modified by Kranz with the offset feeder rollers as taught by Kakko-chiloff in order to facilitate the feeding of the web material into the spaced between the blade drums.

Response to Arguments

11. Applicant's arguments with respect to claims 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

The purposed drawings and the substitute specification including the submitted abstract are accepted.

Due to cancellation of claim 12, the rejection under 35 USC 112, second paragraph, is withdrawn.

Claims 1-12 have been cancelled.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleber (4,793,229), Haskin, Jr. (3,155,037), Ratzel (5,906,569), Bunch, Jr. (5,186,090) teach

a main frame part and a secondary frame part.

Koenig (5,788,169), Barnett (4,144,811), Scheufler (3,449,032), Eddy (3,905,264), Garrett (4,926,730), and Strouse, Jr. (5,847,396) teach a half bearing races.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

June 30, 2004

acj
Allan N. Shoap
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Group 3700